

REZONING REPORT

▶ **FILE #:** 10-K-23-RZ **AGENDA ITEM #:** 21
 POSTPONEMENT(S): 10/5/2023 **AGENDA DATE:** 11/9/2023
 ▶ **APPLICANT:** BB INVESTMENT PROPERTIES, LLC
 OWNER(S): BB Investments Properties, LLC

TAX ID NUMBER: 90 116 [View map on KGIS](#)
 JURISDICTION: County Commission District 6
 STREET ADDRESS: 2713 BYINGTON BEAVER RIDGE RD
 ▶ **LOCATION:** West side of Byington Beaver Ridge Rd, north of Byington Solway Rd
 ▶ **APPX. SIZE OF TRACT:** 4.97 acres
 SECTOR PLAN: Northwest County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: Access is via Byington Beaver Ridge Rd, a major collector with a 21-ft pavement width within a 50-ft right-of-way.
 UTILITIES: Water Source: West Knox Utility District
 Sewer Source: West Knox Utility District
 WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** RA (Low Density Residential)
 ▶ **ZONING REQUESTED:** PR (Planned Residential)
 ▶ **EXISTING LAND USE:** Rural Residential
 ▶ **DENSITY PROPOSED:** up to 5 du/ac
 EXTENSION OF ZONE: No it is not an extension.
 HISTORY OF ZONING: None noted.
 SURROUNDING LAND USE AND ZONING: North: Rural residential - RA (Low Density Residential)
 South: Agriculture/forestry/vacant land, single family residential & industrial - I (Industrial), RA (Low Density Residential)
 East: Single family residential - RA (Low Density Residential)
 West: Industrial, office - I (Industrial)
 NEIGHBORHOOD CONTEXT: There are several large manufacturing businesses in close proximity. There are also several housing options including a manufactured home park, duplexes, single family residential homes and nearby schools. The area has a rail line.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone up to 4 du/ac because it is consistent with the sector plan and surrounding development, subject to 1 condition.**
 1. Provide a Type "A" landscape screen within a landscape buffer strip a minimum of fifteen (15) feet in width adjacent to industrial property to the west.

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE COUNTY GENERALLY:

1. Historical aerials show that sometime between 2016 and 2018, Karns Valley Drive, a major arterial, was extended south of Oak Ridge Highway to connect to Westcott Boulevard. Karns Valley Drive is part of a network of classified streets in this area. Its connection to Westcott Drive increases accessibility of this property, as Westcott Drive connects to Byington Beaver Ridge Road via Byington Solway Road.
2. The Karns Valley Business Park north of Karns High School was developed in 2020.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The PR zone provides flexibility for residential development. The PR zone with up to 4 du/ac is similar to the density allowed by the surrounding RA zone, which allows 10,000 sq ft lots, but the flexibility of the PR zone would allow clustering of lots closer to the northern lot line farther away from the industrial-zoned property to the south.
2. The property is located within 1 mile of Karns High and Karns Elementary Schools.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. This property is in an area with a mix of residential zones and densities along with industrial and civic uses. There is a large industrial node to the south, and this property abuts the I (Industrial) zone.
2. The minimum lot size requirement of the property's current RA zone equates to a density of 4.356 du/ac. The recommendation to approve the PR zone at 4 du/ac keeps the maximum number of dwelling units that could be built similar to what would be allowed under the current zoning. However, the PR zone allows clustering, which would enable dwellings to be built farther from the I zone.
3. Built out at 4 du/ac, this property could be developed with approximately 19 dwelling units. The current RA zoning could allow up to 21 dwellings. The requested density of 5 du/ac could allow up to 25 dwellings.
4. Development plan approval is required in the PR zone.
5. Access would be off of Byington Beaver Ridge Road which is by managed by TN Department of Transportation (TDOT). Access will require TDOT approval.
6. The property is located within the parental responsibility zone. However, there are no sidewalks leading to nearby schools.
7. There appears to be a blue-line stream near the front of the property behind the existing house. Site plans would be required to meet the requirements of the Knox County Stormwater Ordinance.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The subject property is designated with the LDR (Low Density Residential) land use classification in the Northwest County Sector Plan, which allows consideration of the PR zone in the Planned Growth Boundary of the Growth Policy Plan.
2. Growth Plan Policy 9.5: Avoid locating residences or other noise-sensitive land uses in locations that will be subject to excessive noise. The subject property could be subject to excessive noise from the industrial businesses. The property to the south is currently vacant and well-vegetated, providing a natural buffer. In the event that the property is developed for industrial uses, a landscape screen would be required by article 4.10.11. The property to the west does not currently have a buffer and staff recommends requiring a Type A buffer as a condition of approval.
3. The proposed rezoning is consistent with the Growth Plan's development policy 9.8 - Encourage a mixture of housing sizes and prices within planned residential developments.

ESTIMATED TRAFFIC IMPACT: 240 (average daily vehicle trips)

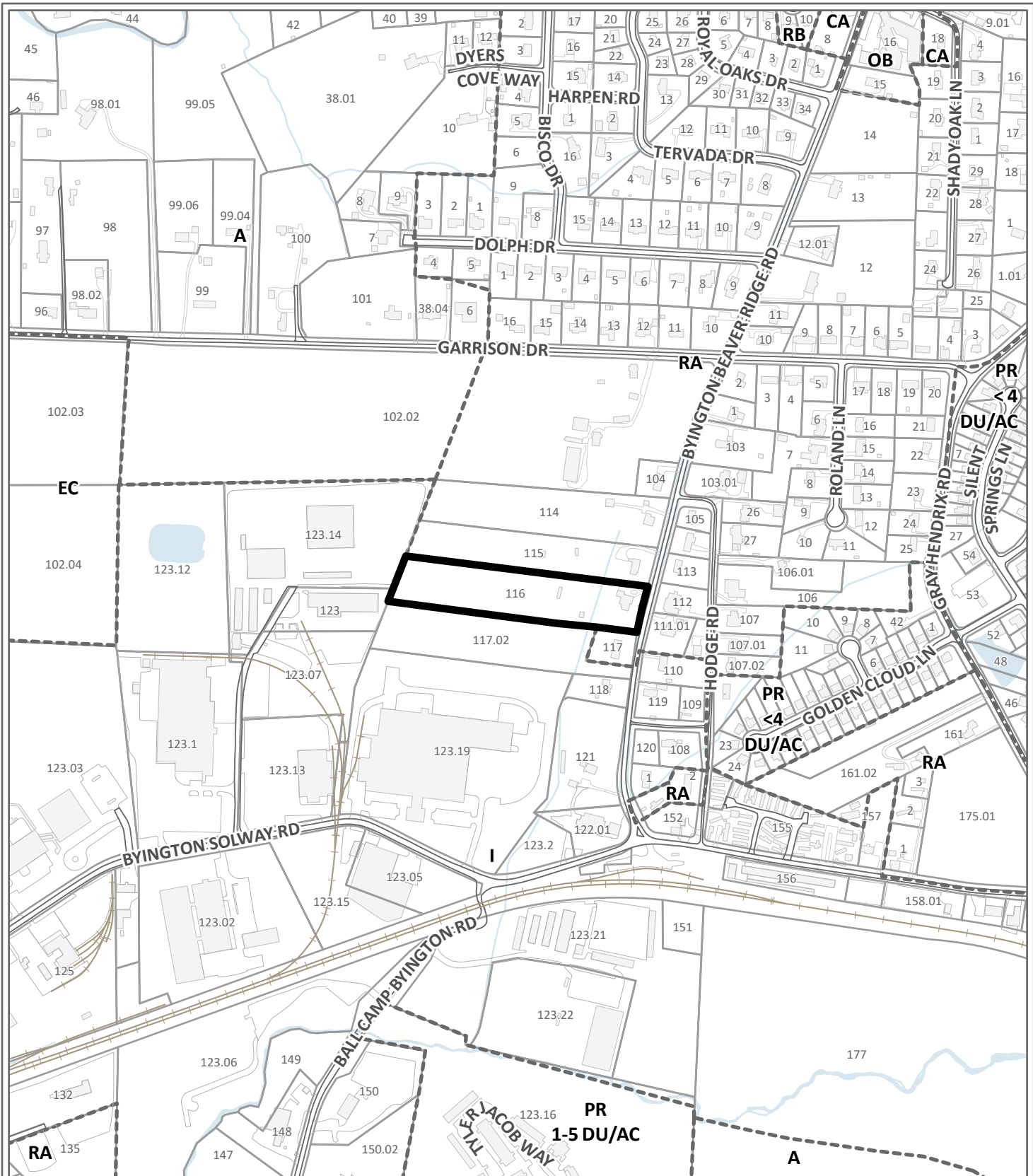
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 9 (public school children, grades K-12)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 12/18/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



REZONING

10-K-23-RZ

Petitioner: BB Investment Properties, LLC



From: RA (Low Density Residential)

To: PR (Planned Residential)

Map No: 90

Jurisdiction: County

Original Print Date: 8/29/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

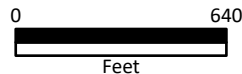
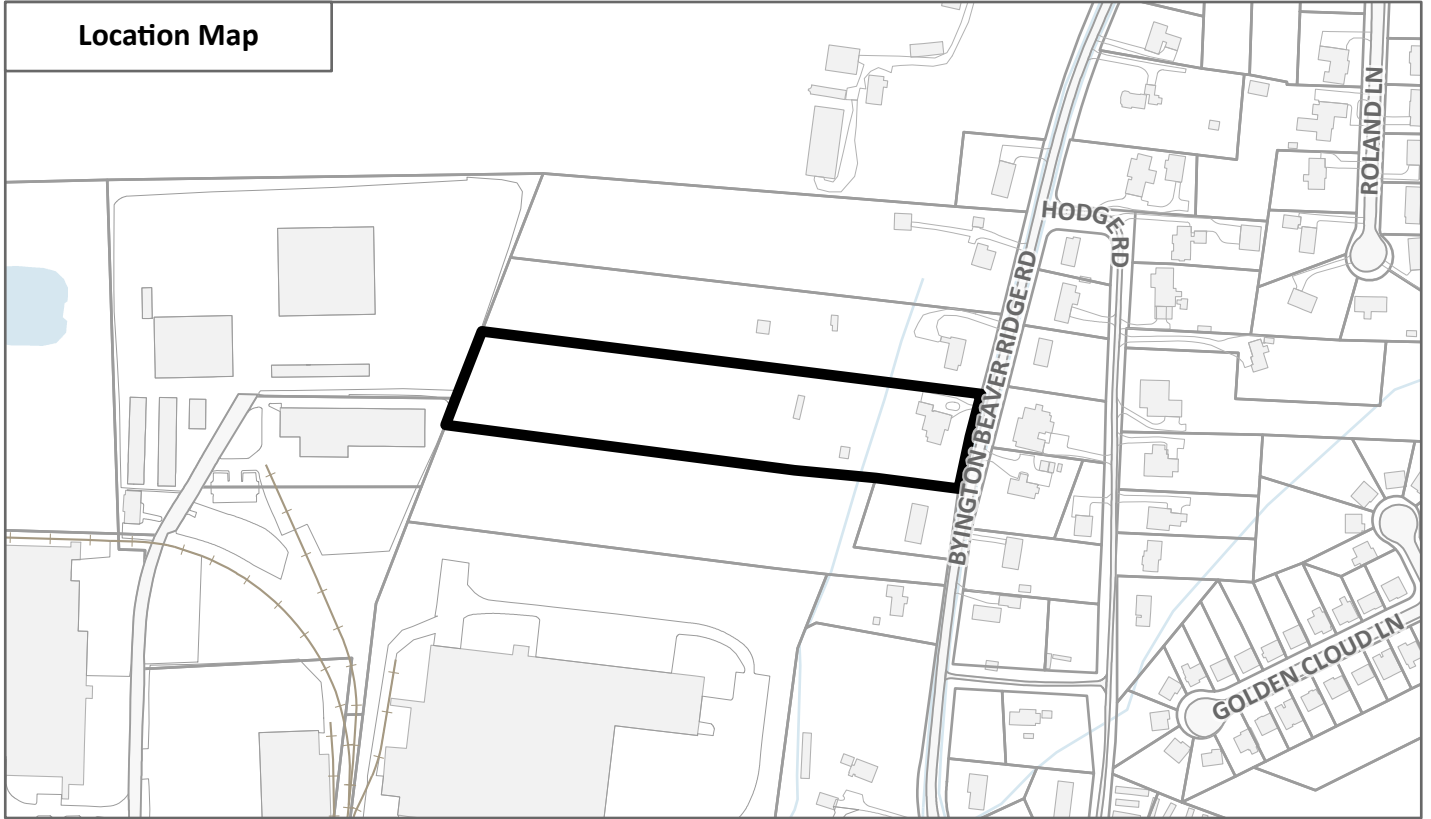


Exhibit A. Contextual Images

Location Map



Aerial Map

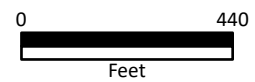


CONTEXTUAL MAPS 1

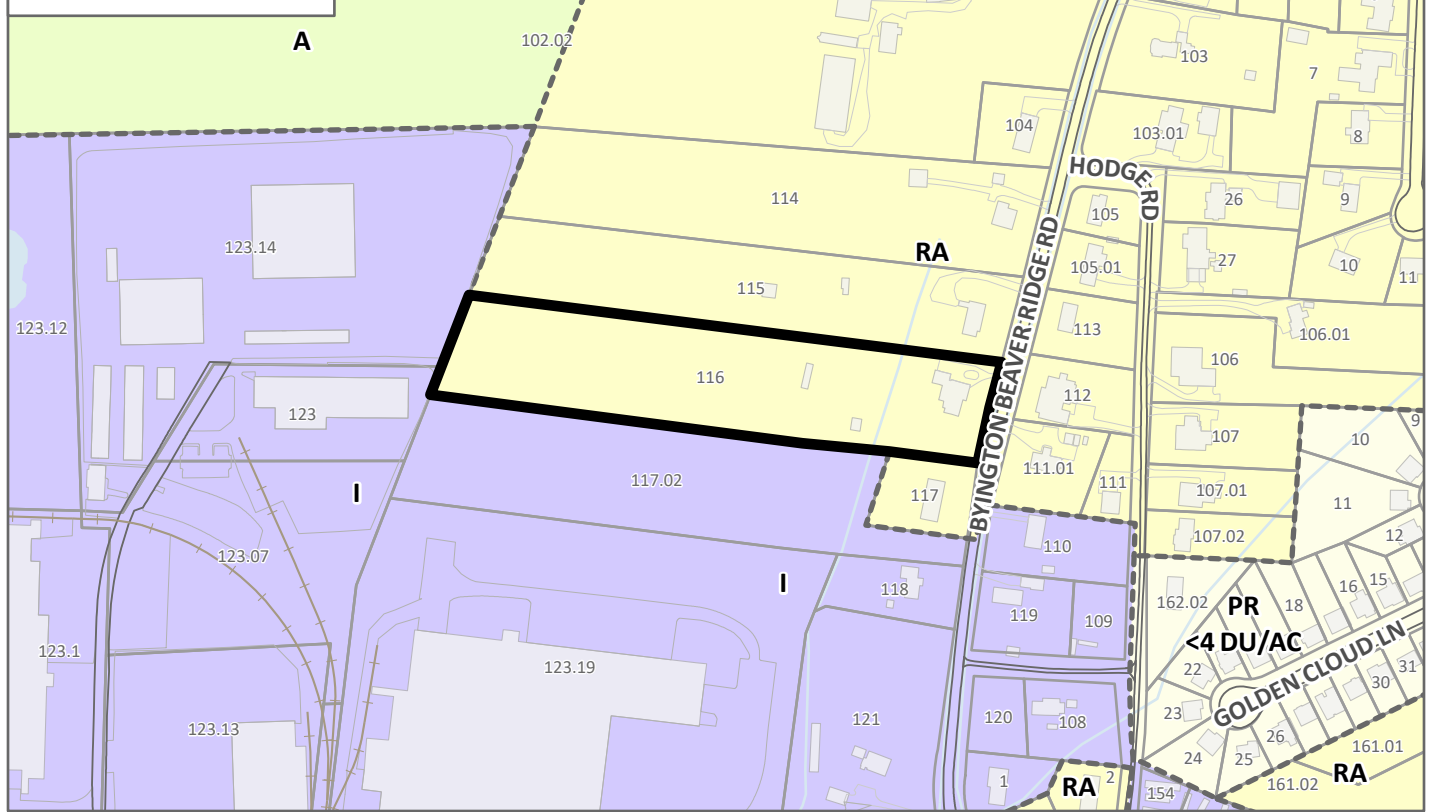
10-K-23-RZ



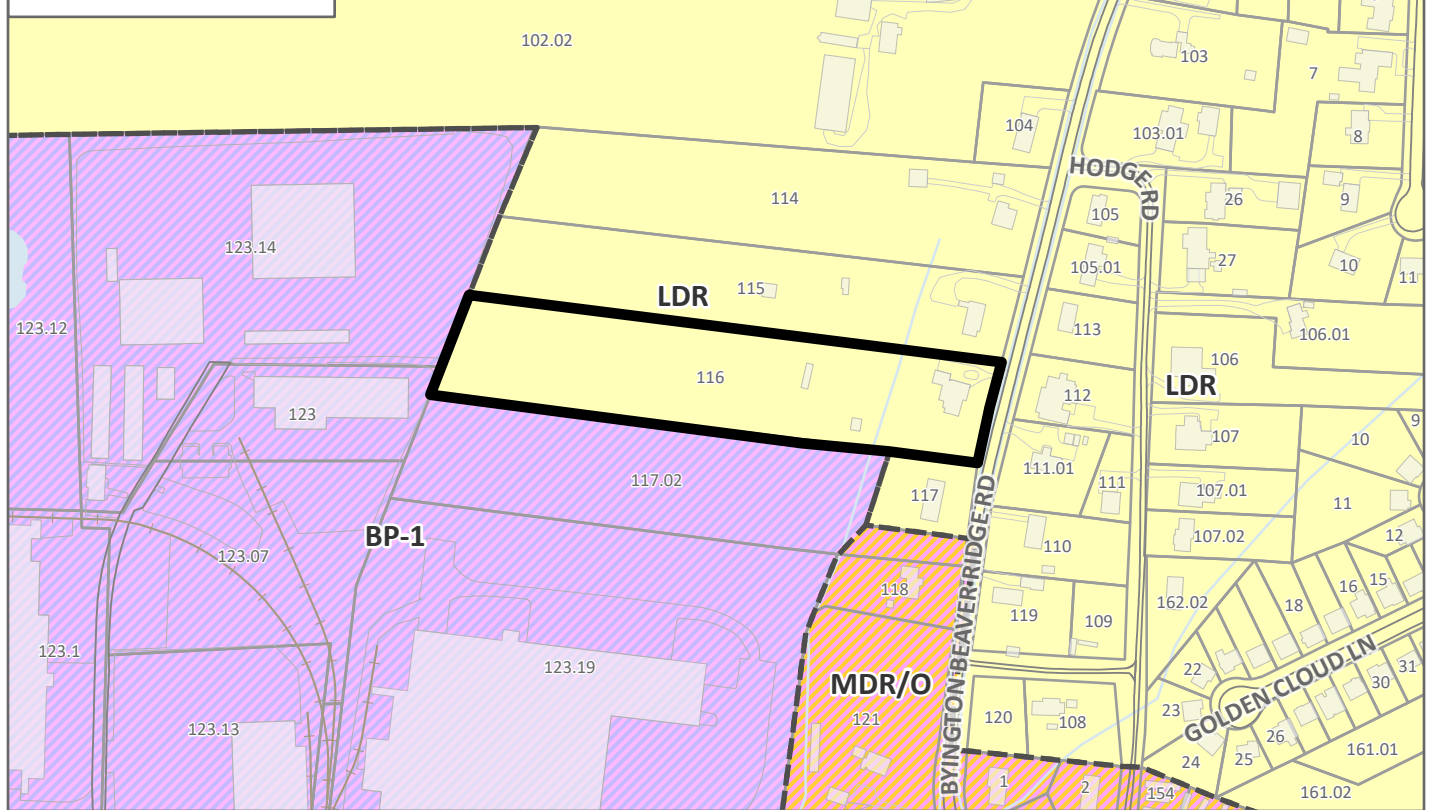
Case boundary



Zoning Map



Sector Plan Map

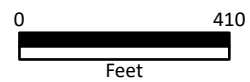


CONTEXTUAL MAPS 2

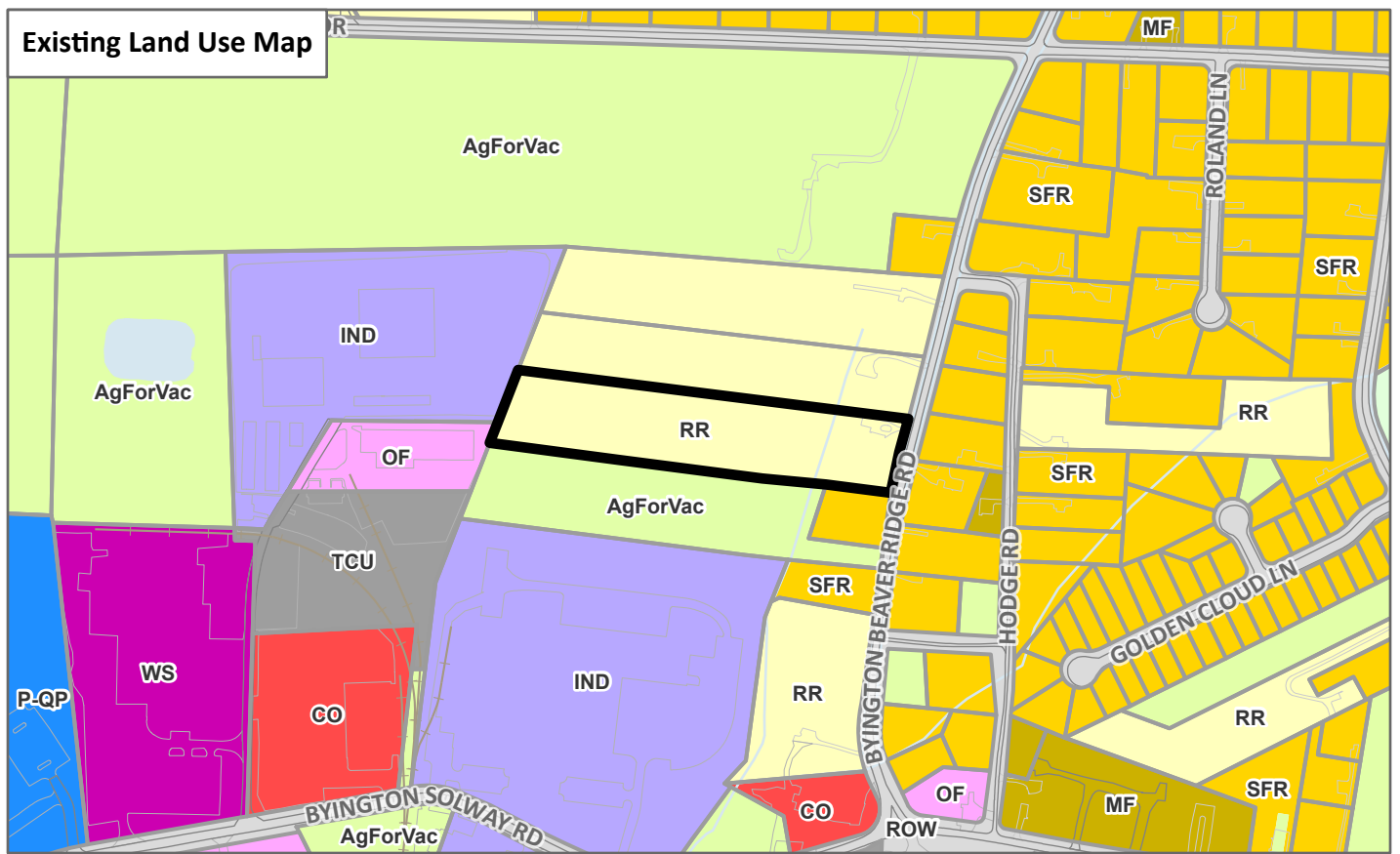
10-K-23-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

10-K-23-RZ



Case boundary



Type “A” Screen: Dense

APPROPRIATE LOCATION: Boundaries of commercial and industrial developments adjoining residential areas

NOTE: Landscape buffer strips should be a minimum of 15 feet in width, and sown with grass or ground cover for their full width, allowing for mulch at the base of plantings.

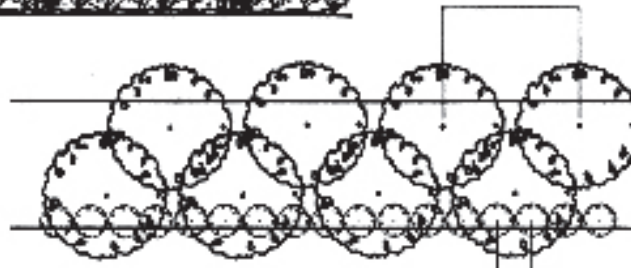
- Two offset rows of deciduous or evergreen canopy trees with a 6 ft. high continuous dense evergreen hedge, fence, wall or earth berm

TREE HEIGHT
Installed: 8 ft.
Mature: 40 ft.

SHRUB HEIGHT
Installed: 4 ft.
Mature: 6 ft.



Maximum 16' Centers



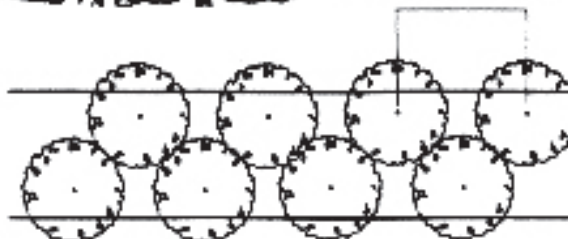
Maximum 4' Centers

- Two offset rows of evergreen trees with branches touching the ground

TREE HEIGHT
Installed: 8 ft.
Mature: 30 ft.



Maximum 12' Centers



INTRODUCTION

Landscape screening reduces the impact of intense development upon adjacent land uses by providing visual separation, reducing the transmission of glare and air pollution, and limiting access. Screening also promotes the aesthetic appeal of a neighborhood and promotes higher property values.

This series of design guidelines defines several types of landscape screen. Each type is applicable to a certain intensity of conflict between adjacent land uses. Each screen type is illustrated by several planting schemes with an equivalent height, density and opacity of landscaping.

Planning uses these guidelines to illustrate desirable levels of screening appropriate to various site planning situations. Creative alternatives which achieve a comparable effect are encouraged.

The contents of these guidelines are advisory and are intended to supplement, but not replace, the requirements of the Knoxville Zoning Ordinance and the Knox County Zoning Ordinance.



Request to Postpone • Table • Withdraw

BB Investment Properties, LLC

10/3/2023

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

10/5/2023

Scheduled Meeting Date

10-K-23-RZ

File Number(s)

POSTPONE

POSTPONE: All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: 30 days 60 days 90 days

Postpone the above application(s) until the _____ Planning Commission Meeting.

WITHDRAW

WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

TABLE: Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

By signing below, I certify I am the property owner, and/or the owners authorized representative.

Bernard E. Phifer Jr.
Applicant Signature

Bernard E. Phifer Jr.
Please Print

(865) 405-1383
Phone Number

bernardphifer@charter.net
Email

STAFF ONLY

Staff Signature

Please Print

Date Paid

No Fee

Eligible for Fee Refund? Yes No Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

BB Investment Properties, LLC

Applicant Name

Affiliation

8/22/2023

Date Filed

10/5/2023

Meeting Date (if applicable)

10-K-23-RZ

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Richard LeMay LeMay and Associates

Name / Company

10816 Kingston Pk. Pk. Knoxville TN 37934

Address

865-671-0183 / rlemay2@lemayassociates.com

Phone / Email

CURRENT PROPERTY INFO

BB Investments Properties, LLC

Owner Name (if different)

10444 Almanac Ln Knoxville TN 37932

Owner Address

865-405-1383

Owner Phone / Email

2713 BYINGTON BEAVER RIDGE RD

Property Address

90 116

Parcel ID

4.97 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Byington Beaver Ridge Rd, north of Byington Solway Rd

General Location

City **Commission District 6** **RA (Low Density Residential)**

County District

Zoning District

Rural Residential

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)

up to 5 du/ac

Proposed Density (units/acre) Previous Zoning Requests

Additional Information _____

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
- Design Plan Certification (Final Plat)
- Site Plan (Development Request)
- Traffic Impact Study
- Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$650.00	
Fee 2	
Fee 3	

AUTHORIZATION

- I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature: BB Investment Properties, LLC Please Print Date: 8/22/2023

Phone / Email

Property Owner Signature: BB Investments Properties, LLC Please Print Date: 8/22/2023



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

BB INVESTMENT PROPERTIES LLC

Applicant Name

Affiliation

File Number(s)

Date Filed

Meeting Date (if applicable)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Richard LeMay

LeMay & Associates

Name

Company

10816 Kingston Pike

Knoxville

TN

37934

Address

City

State

ZIP

(865) 671-0183

rlemay2@lemayassociates.com; rlemay@lemayassociates.com

Phone

Email

CURRENT PROPERTY INFO

BB INVESTMENT PROPERTIES LLC

10444 ALMANAC LN KNOXVILLE, TN 37932 (865) 405-1383

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2713 BYINGTON BEAVER RIDGE RD

090 116

Property Address

Parcel ID

WKUD

WKUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

Related City Permit Number(s)

- Development Plan
- Use on Review / Special Use
- Hillside Protection COA
- Residential
- Non-Residential

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change **PR** Proposed Zoning _____

Plan Amendment Change Proposed Plan Designation(s) _____

5 du/ac Proposed Density (units/acre) Previous Rezoning Requests _____

Other (specify) _____

STAFF USE ONLY

PLAT TYPE Fee 1 Total

Staff Review Planning Commission

ATTACHMENTS Fee 2

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS Fee 3

Design Plan Certification (*Final Plat*)

Use on Review / Special Use (*Concept Plan*)

Traffic Impact Study

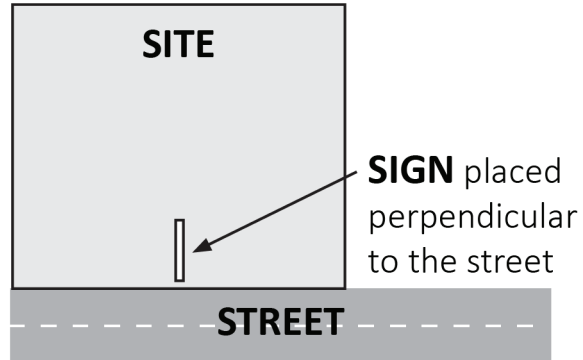
COA Checklist (*Hillside Protection*)

Richard LeMay Jr. Digitally signed by Richard LeMay Jr. Date: 2022.05.06 10:30:04 -04'00' BB INVESTMENT PROPERTIES LLC 8/18/2023
 Applicant Signature Please Print Date

Phone Number Email

Bernard E. Phifer Jr. Bernard E. Phifer Jr. 8/21/2023
 Property Owner Signature Please Print Date

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ 09/22/2023 _____ and _____ 10/06/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: BB Investement Properties, LLC

Date: 08/21/2023

File Number: 10-K-23-RZ

- Sign posted by Staff
- Sign posted by Applicant